

REMARKS

Claims 1-15 and 23-28 are pending in the present application, and are subject to a restriction requirement and election of species as follows:

Group I, claims 1-12, drawn to a solid pigment preparation.

Group II, claims 13-15, drawn to a process of making a solid pigment preparation.

Group III, claims 23 and 26-28, drawn to a coating composition.

Group IV, claims 24 and 25, drawn to a mix system.

Claim 13 has been amended to delete the recitation of element (C). No new matter has been introduced by this amendment.

In restricting the claims the Examiner has asserted that the inventions do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features. More specifically, U.S. Patent No. 6,168,895 to Metz et al., hereafter "Metz", discloses a pigment composition comprising a polyester binder and a pigment.

Applicants appreciate the detailed basis of this restriction requirement, and respectfully provisionally elect group I, claims 1-12, with traverse.

Metz teaches an azo pigment of the formula (1), which has a specific surface area of the pigment powder of more than 45 m²/g (Metz, abstract.) Typical powder coating resins employed are epoxy resins, polyester resins containing carboxyl and hydroxyl groups, polyurethane resins and acrylic resins, together with the conventional curing agents. Combinations of resins are also used (Metz, column 5, lines 54-58.) The pigment is incorporated homogeneously--for example by extrusion or kneading--at a concentration of from 0.01 to 50% by weight, preferably from 0.5 to 20% by weight and particularly preferably from 0.1 to 5.0% by weight, based on the total mixture, into the binder (Metz, column 16, lines 26-31.)

Independent claim 1 is directed to a solid pigment preparation comprising (A) at least one pigment in a higher concentration than that which corresponds to the subsequent application and (B) at least one carrier material selected from the group consisting of oligomers and polymers which have a glass transition temperature > 30°C

and a melting point or melting range below their decomposition temperature. The solid pigment preparation is prepared by dispersing the pigment or pigments (A) or the pigment or pigments (A) and at least one constituent (D) in the melt of the carrier material or carrier materials (B) or in the melt of the carrier material or carrier materials (B) and at least one constituent (D) for from 0.5 to 5 hours in a discontinuously operating dispersing apparatus with a power input of from 0.1 to 1.0 kW/kg, and then discharging the mixture (A/B) or (A/B/D) from the dispersing apparatus and allowing it to cool and solidify.

Applicants respectfully submit that PCT rule 13.2 sets forth that the requirement of unity of invention referred to in Rule 13.1 shall be fulfilled only when there is a technical relationship among those inventions involving one or more of the same or corresponding special technical features. The expression "special technical features" shall mean those technical features that define a contribution which each of the claimed inventions, considered as a whole, makes over the prior art.

Applicants respectfully assert that claims 1-15 and 23-28 all comprise the "special technical feature" that the pigment preparation is prepared by dispersing the pigment or pigments (A) or the pigment or pigments (A) and at least one constituent (D) in the melt of the carrier material or carrier materials (B) or in the melt of the carrier material or carrier materials (B) and at least one constituent (D) for from 0.5 to 5 hours in a discontinuously operating dispersing apparatus with a power input of from 0.1 to 1.0 kW/kg, and then discharging the mixture (A/B) or (A/B/D) from the dispersing apparatus and allowing it to cool and solidify.

Metz does not teach or suggest this special technical feature, since Metz only discloses that the pigment is incorporated homogeneously by extrusion or kneading, as discussed above.

Applicants respectfully assert that the pigment preparation prepared according to the instant claims makes a contribution over Metz as required by PCT rule 13.2, because Applicants' pigment preparations are different from Metz's pigment preparations prepared using conventional mixing techniques such as extrusion or kneading, as is evident from Applicants' Inventive Examples.

It can be seen from Applicants' Inventive and Comparative Examples 1-3 that when similar constituents are manipulated according the instant claims, the resulting pigment preparations display superior properties than when the constituents are manipulated using traditional methods. For example, when Uralac 3495 is melted and mixed with titanium dioxide at a power input of 0.32 kW per kg (Inventive Example 1,) the resulting gloss of the dispersion is superior to a similar preparation prepared using a conventional mixer (Comparative Example 1.)

Thus, Applicants respectfully assert that the instant claims make a contribution over Metz, at least because the claimed pigment preparation is prepared by dispersing the pigment or pigments (A) or the pigment or pigments (A) and at least one constituent (D) in the melt of the carrier material or carrier materials (B) or in the melt of the carrier material or carrier materials (B) and at least one constituent (D) for from 0.5 to 5 hours in a discontinuously operating dispersing apparatus with a power input of from 0.1 to 1.0 kW/kg, and then discharging the mixture (A/B) or (A/B/D) from the dispersing apparatus and allowing it to cool and solidify, and that as a result the instant claims are linked as to form a single general inventive concept under PCT Rule 13.1. Withdrawal of the Restriction Requirement is respectfully requested.

If the Examiner has any questions as to this response, the undersigned is available for a telephone conference at the number below.

CONCLUSION

Applicants respectfully submit that the Application and pending claims are patentable in view of the foregoing remarks. A Notice of Allowance is respectfully requested. As always, the Examiner is encouraged to contact the Undersigned by telephone if direct conversation would be helpful.

Respectfully Submitted,

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